

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

LINKSMART WIRELESS  
TECHNOLOGY, LLC

vs.

T-MOBILE USA, INC., ET AL.

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CASE NO. 2:08-CV-264-DF-CE

**ORDER**

The above-titled and numbered civil action was referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge (Dkt. No. 543), which contains his recommendation that the court grant in part and deny in part the third-party defendant Nomadix, Inc.'s ("Nomadix") motion to strike or dismiss (Dkt. No. 382), has been presented for consideration. No objections were filed to the report and recommendation. The court is of the opinion that the conclusions of the Magistrate Judge are correct. Therefore, the court adopts, in its entirety, the report of the United States Magistrate Judge as the conclusions of this court.

Accordingly, the court DISMISSES the defendant Best Western International, Inc.'s ("BWI") contribution claim. The court also orders BWI to amend its third-party complaint within ten days to specifically allege the indemnity and breach of warranty causes of action against Nomadix. The balance of Nomadix's motion is DENIED.

**SIGNED this 27th day of September, 2010.**



DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE

